

Reviews of Fiji, Papua New Guinea, and Solomon Islands are not included in this issue.

NEW CALEDONIA

The provincial elections in New Caledonia in May 2004 upset the political status quo in this French overseas territory, much as did the defeat of Gaston Flosse, another ally of French President Jacques Chirac, in French Polynesia that same month. In New Caledonia, Jacques Lafleur, whose loyalist Rassemblement pour la Calédonie dans la République (RPCR) had dominated the Congress (or Territorial Assembly) for a quarter century, suddenly found himself a minority leader and resigned from his seat. The new government, a coalition of former opposition parties and dissidents, continued to pass “laws of the country” and to develop its economy as the 1998 Noumea Accord empowered it to do, but labor strikes, resistance to a census that ignored ethnicity, and debates over local citizenship and identity symbols kept the “post-colonial” era lively.

In April, the then-ruling RPCR celebrated its twenty-seventh anniversary in the small settler town of La Foa and launched its electoral campaign with pleas for Lafleur not to resign yet from political life, as he had repeatedly vowed to do. Kanak President of the Congress and Senator to Paris Simon Loueckhote begged, “Jacques, please don’t leave the RPCR, because there are women and men

here who trust you,” while Territorial Government President Pierre Frogier attacked RPCR dissidents who had organized a rival movement called *Avenir Ensemble* (AE, or “Future Together”). The seventy-one-year-old Lafleur, a wealthy businessman, agreed to lead the party one more time in the upcoming elections because local supporters and President Chirac had asked him to.

“Independence has now become just a word, a dream,” he observed, adding that when the time came between 2014 and 2019 for a possible vote on independence, as provided for in the Noumea Accord, “No one will want to go to the referendum” (*PIR*, 21 April 2004).

According to the consensual agreement reached in May 1998 by Paris, the RPCR and the pro-independence Front de Libération Nationale Kanak et Socialiste (FLNKS), France would continue to delegate self-governing powers to the territory over the second five-year mandate of the Noumea Accord, such as control over the police, internal air and maritime security, secondary education, civil and commercial law, land policy, and budgetary and financial responsibility. As a concession to the concept of establishing a local citizenship for deciding the future of the country, rather than just allowing any French citizen who arrives to cast a vote, only those born in New Caledonia or resident for at least ten years would be able to vote in the provincial elec-

tions. This rule, which was still being examined by the European Court of Justice, would eliminate about 10 percent of the 130,000 potential voters. A recent French law on gender parity required that half the candidates on each party list, in alternating order, had to be women, and a party list needed the support of at least 5 percent of the registered voters in one of the three provinces (North, South, Islands) to obtain a seat in its assembly. Then, by a complex proportional method, 54 of the 76 total members of the three provincial assemblies could obtain a seat in the territorial Congress, which in turn would elect its own executive government (NC, 31 March 2004).

In the 1999 provincial elections, twenty-three party lists had competed, and the RPCR had emerged with 24 seats in the Congress. In coalition with a dissident Kanak party, the Fédération des Comités de Coordination Indépendantistes (FCCI), it had acquired a 28-seat voting majority and 7 of the 11 seats in the government executive, leading to complaints about a lack of collegiality (consultation) in decision making despite the proposal in the Noumea Accord to work toward a "common destiny." Pro-independence parties won 19 congressional seats in 1999 and only four ministries, while two smaller loyalist parties won 7 congressional seats and no ministries. Loyalists dominated the populous, wealthy Southern Province, while Kanak nationalists controlled the Northern and Islands Provinces, perpetuating the de facto partition of the country. In the May 2004 elections, thirty-one lists competed, revealing growing divisions in the

broad coalitions of pro-French loyalists and pro-independence indigenous nationalists that had confronted each other since the late 1970s. In the loyalist camp, the biggest change was the emergence of the AE, a coalition of Didier Leroux's Alliance (which had won three congressional seats in 1999 and was affiliated with the Union Démocratique Français [UDF] in France) and other dissident loyalists, led by Harold Martin, who had contested Lafleur's patrician leadership within the RPCR but remained members of Chirac's Union pour une Majorité Présidentielle (UMP) in France. The AE campaigned on a platform of inclusiveness and consensus, accusing the RPCR of failing to unite the country and prepare for the transfer of more self-governing powers. The candidate at the top of its list, Marie-Noëlle Thémereau, told *Le Monde*, "A common destiny is built by rallying people around symbolic things. Symbols count in a society, but the RPCR is afraid of them" (*Le Monde*, 6 May 2004). This vision of centrist nation building attracted the electoral support of Maréen High Chief Nidoish Naisseline's Libération Kanak Socialiste party (LKS).

Meanwhile, the FLNKS continued to be without a president after three years because of internal division. Its last president, Rock Wamytan, campaigned with a list of his own called "FLNKS for Independence." His former party, the Union Calédonienne (UC), led by Charles Pidjot, was once the leader of the FLNKS under Jean-Marie Tjibaou. But since a secession by seven UC congressional councilors in 2000, it has increasingly pursued its own path as an independence party,

accusing the FLNKS of not pushing hard enough to enforce the Noumea Accord. The remnants of the old FLNKS are led by Palika (Parti de Libération Kanak) and include the small Union Progressiste Mélanésienne (UPM) and the mostly Wallisian Rassemblement Démocratique Océanien (RDO). Together, they campaigned as the “National Union for Independence (UNI) with the FLNKS,” which received electoral support from local progressive movements such as labor unions and environmentalists. The UNI-FLNKS vowed to help “our country emerge” in the second five-year mandate of the Noumea Accord, by promoting local citizenship, favoring locals in hiring, controlling immigration, creating local identity symbols, promoting dialogue and collegiality, planning fair and balanced economic development, improving health care and housing, protecting the environment, adapting and expanding education, and promoting the country’s role in the region. In order to move toward full sovereignty, the UNI-FLNKS sought to rally all ethnic groups against the power abuses of the old elite (the RPCR) and transform that grassroots activism into “a national sentiment.” It sought to provide a more coherent strategy that could overcome internal party divisions caused by partisan interests and personal ambitions (KOL, 16–23 April 2004).

The elections on 9 May ended the dominance of Lafleur’s party, as the AE took away 9 seats from the RPCR in the South, winning 19 total seats out of 40 in the provincial assembly and 16 seats in the Congress, compared to 3 for the Alliance in 1999.

The RPCR dropped to 16 seats in the provincial assembly and 16 in the Congress (a loss of 8), while its former coalition partner, the FCCI, lost 3 congressional seats and dropped to one. The loyalist Front National (FN) retained its 5 seats in the South and its 4 congressional seats, while the pro-independence parties did well in the North (18 of 22 seats) and Islands (12 of 14 seats) as usual, but failed to win a single seat in the South and dropped from 19 to 17 in the Congress. Both Wamytan and Aloisio Sako of the RDO blamed the complete failure of pro-independence parties in the South, despite support from 10 percent of the electorate there, on the lack of unity within the FLNKS. Even Guy George of the FN expressed concern over the absence of a pro-independence voice in the South. In the North, UNI continued to rule under Paul Neaoutyine, gaining 3 seats for a total of 11, while Pascal Naouna’s UC gained one seat for a total of 7 but was excluded from most leadership positions. The FCCI was eliminated from representation, but the RPCR won 3 seats and the AE one, thus keeping the loyalist total of 4. In the Islands, where the Kanak political situation is very complex, 8 lists competed for 14 seats in the assembly. Women won half the seats, while the UC, UNI, LKS, and FCCI formed a working majority of 10 seats (NC, 10 May, 3 June 2004).

The AE called the outcome a “political earthquake,” and Lafleur finally “retired,” resigning from his seats in the South and in Congress but remaining a deputy to the Paris National Assembly. Martin, the former RPCR leader whom Lafleur had

once tried to prevent from being reelected mayor of Païta, won election as president of the Congress on 21 May, with votes not only from the AE but from the FN, LKS, and UC (NC, 2 June 2004). Another ex-RPCR leader, the Algerian *pied noir* (French settler) Mayor of La Foa, Philippe Gomès, became president of the Southern Province, promising an audit after the outgoing regime had hastily dispersed funds to client organizations and removed documents and equipment. In the new spirit of collegiality, the AE and FN welcomed to the assembly Christiane Gambey of the pro-independence LKS, who had actually run on the AE list. She is a Kanak leader in the tourism business who wants to improve coordination among the three provinces and thus raise the yearly visitor count beyond its ten-year average of 100,000 (NC, 15 May 2004; PIR, 8 Sept 2004). In June, the Congress met to decide on how many ministries would be needed in the government and chose eleven, the maximum allowed by the Noumea Accord's organic laws and one more than in the previous executive. The four parties that held the required minimum of six seats in the Congress then presented lists of candidates for ministers, which could include people not elected to the Congress. Based on their proportions of seats, UNI (8 seats) would get two cabinet posts and UC (7 seats) one, while the AE (21 seats, with help from the FN and LKS) and RPCR (17 seats, with the FCCI's help) would likely get four posts each, unless one of the loyalist parties was able to lure a vote away from its rival (NC, 5 June 2004). Either way, the loyalists would dominate 8–3, as they

had in the previous regime, but perhaps more collegially?

The first attempt to elect a government failed on 10 June, when a new RPCR councilor, Suzie Vigouroux, marked her ballot "Frogier" (for the former RPCR president of the government) instead of putting down the name of her party list. That invalid ballot deprived the RPCR of a crucial vote and hence a cabinet position, so Frogier announced that his party would collectively resign from the executive, thus creating a procedural crisis. The RPCR also claimed that Vigouroux had been pressured by the AE not to vote, whereupon the AE filed a countersuit for defamation, and the whole election process was delayed. Thémereau had briefly won election as president, because of the AE's temporary advantage of five posts, and Déwé Gorodey of UNI as vice president, the same position she had held in the previous government. The fact that both were women was quite a precedent (NC, 11 June 2004). After some legal wrangling, the RPCR regained its seventeenth congressional vote and thereby its fourth cabinet position. On 24 June, a new government was elected, with four posts each for the AE and RPCR, as originally predicted. But now the president and vice president had to be elected by an absolute majority of at least six, and the UNI and UC abstained, leaving the two loyalist rivals in a deadlock after three attempted votes. The cabinet then met with the French high commissioner, who could call for fresh elections if the impasse were not resolved (NC, 25 June 2004; PIR, 24 June 2004). Martin, and Pierre Maresca of the RPCR, even flew to

Paris to assure Chirac that it was not his party (the UMP, which was affiliated with the RPCR) that had lost the May elections but just the RPCR, since many members of the AE were still members of the UMP, not the UDF, affiliated with Leroux's Alliance (NC, 26 June 2004).

Finally, on 29 June, a negotiated compromise enabled Thémereau and Gorodey to be reelected as the government's highest executive officers. The former received all 8 votes of the AE and RPCR and the latter 9 votes—3 from the UNI and UC, 2 from the RPCR, and all 4 from the AE (NC, 30 June 2004). The responsibilities of the individual ministers were assigned according to their backgrounds, and, Thémereau said, "in a completely collegial way, in perfect harmony, with no problem." Gorodey, for example, retained her portfolio for culture, with the addition of women's affairs and citizenship, Frogier got his favorite field, foreign affairs and trade, businessman Leroux received direction over the economy and communications, and Charles Washetine, who was not elected to Congress but has long been Palika's spokesman and is an education specialist, received teaching and research (NC, 3 July 2004). This quasi-technocratic outlook became more concrete during the year. After a month in office, Thémereau said that consensus and collegiality prevailed on her team, especially among the AE, UNI, and UC, as they got to know each other and worked together toward greater cooperation, transparency, and social justice. She said that the economic outlook was good in New Caledonia, but social problems were worsening because of

lack of training for locals and insufficient attention to social welfare. The pro-independence parties dissuaded the government from keeping a customary affairs ministry, to separate Kanak custom from politics and empower the Customary Senate to deal with such matters (NC, 17 July 2004).

The new government, unlike the previous RPCR regime, focused on better financing of urgent needs such as fiscal reform of CAFAT, the public insurance funding for health, maternity, work accidents, unemployment, and aging. Health costs were rising, a new hospital was badly needed, affordable housing was in desperately short supply, family allowances needed to be expanded to help the most needy, infrastructure and education had to be modernized, and the social pact negotiated with labor unions and employers had to be implemented. Together, the AE, UC, UNI, FN, and LKS passed new "laws of the country," despite RPCR opposition, to raise taxes on large enterprises and lower them on small ones and to raise the minimum wage. By redirecting more revenues away from future economic development to cover current social deficits, the territorial budget reached one hundred billion francs CFP (or about US\$1.1 billion) in December (NC, 17 July, 6 Oct, 15 Dec, 16 Dec, 21 Dec 2004; PIR, 24 Nov 2004). The European Union agreed to provide New Caledonia with another US\$26 million for professional training (PIR, 13 Sept 2004), and the French National Assembly allocated 1.7 billion euros for social expenses in overseas territories, including 680 million euros for

New Caledonia. But Frogier complained that the motley new ruling coalition in the territory was creating instability by "building an artificial unity on the exclusion of and distancing from France." He called the RPCR's marginalization a UDF plot (NC, 15 Nov 2004).

In mid-June, the voters of New Caledonia were again asked to cast their ballots, this time for overseas deputy to the European Union Parliament in Strasbourg. A current deputy from Reunion, Margie Sudre, Vietnamese-born and head of the UMP list, visited New Caledonia in late May to remind voters that the European Union provided development funding to the territory for education, the environment, and mining. There was also discussion of replacing the French Pacific franc with the euro, and in international affairs, she said, "Europe has assured peace and stability for fifty years." The recent defeats of UMP lists in the elections in New Caledonia, French Polynesia, and Guadeloupe were "unjustified," she argued. They resulted from people's impatience to get quick results and also a cut below the belt by the left: "I have the feeling that French politics is living through the hour of the Kleenex generation. They take a party, then throw it away when their wishes are not immediately fulfilled" (NC, 28 May 2004). Five New Caledonians ran for the three overseas deputy posts, including Atelemo Moleana of the RDO as a Socialist, ecologist Didier Baron as a Green, and Guy George of the FN, but with only 7 percent of the total electorate of overseas France, New Caledonia had little clout. Despite the fact that

the European Fund for Development was contributing US\$670 million to the territory in 2004, local turnout in the European elections had been declining every five years since its high point of 37 percent in 1989 (NC, 7 June 2004). French Overseas Minister Brigitte Girardin pointed out that since Britain had withdrawn from the South Pacific Community (again), France was the only representative of the region in Europe. "France is an Oceanian nation," she claimed. "Thanks to France, Europe is thus present here" (NC, 9 June 2004). But only 25 percent of Caledonian voters participated in the European election, compared to 77 percent in the provincial elections the month before, and populous and well-organized Reunion, led by Sudre's UMP list, took all three overseas seats (NC, 15 June 2004). Jean-Pierre Pierard of the European Commission Delegation lamented that Europe was still "under-utilized" by New Caledonia, which lacked the "European reflex" (NC, 16 June 2004).

If the argument that France was the conduit for European aid to the Pacific did not carry much weight among voters, the question of its role as arbiter between the RPCR and FLNKS in the follow-up process to the Noumea Accord remained. In late July, Neaoutyine traveled to Paris to discuss five key matters with Girardin: ensuring the full implementation of the accord by holding another meeting of the committee of signers, which had last met in June 2003; revising the French constitution to permanently restrict the local electorate on long-term issues to ten-year residents; including ethnicity in the proposed

population census in order to better measure socioeconomic rebalancing (*rééquilibrage*) as provided for in the accord (which had formally recognized Kanak identity); renewing the annual economic development contract between the Northern Province and Paris before the end of the year; and transferring the additional self-governing powers as promised by the accord. Martin of the AE had also asked for a meeting of the accord signers committee (NC, 22 July, 23 July 2004). Lafleur, however, would not say whether the RPCR would participate and disliked allowing the AE to do so, claiming that it contained no signers of the accord and that many of its members had actually voted against the accord. He also warned that some in the new regime risked a political crisis by not respecting France enough: "Some are still tempted to return to the independence idea. I know it's out of the question, it's impossible and that the first victims of those who wish for independence would be the Melanesians" (NC, 15 Sept 2004). In September, President Thémereau met with Girardin in Paris and discussed many issues, including keeping the French development money flowing and holding a signers meeting in early 2005 (NC, 15 Sept 2004). A compromise would allow the ruling AE to participate, because the FLNKS and RPCR delegations could include other parties (PIR, 12 Jan 2005).

The RPCR, however, continued to complain about misinformation spread by the AE and attempts to exclude short-term residents from local citizenship. For example, Maresca and other RPCR leaders

argued that, based on the audit in the South and other indicators, administrative revenues were much healthier than the AE claimed. Moreover, they considered it unfair to limit territorial political and economic benefits (eg, hiring preference) to people who had been resident for at least ten years, calling it a politics of exclusion, "a denial of equality . . . this drift toward independence by means of a chilly and villainous closing up of New Caledonia on itself." The RPCR leaders admitted that they had previously spent more time before on governing than communicating, while the AE was better at the latter, but now that they were in opposition, they would learn quickly and improve (NC, 18 Sept 2004). Because he felt the AE coalition was not following the path toward a "common destiny," Lafleur changed his position on voting rights and citizenship in November. Earlier, he had supported a "sliding" citizenship of ten years residence before each election, and after the 2003 meeting of the accord signers he said that he understood the pro-independence parties' preference for a "frozen" electorate of voters resident for ten years before the 1998 Noumea Accord. But now Lafleur suddenly wanted to extend such rights to people who had been resident for at least three years, in order to avoid creating two categories of French citizens (and RPCR voters?) in New Caledonia (NC, 27 Nov 2004). In early January 2005, the European Court of Human Rights finally decided that limiting the provincial electorate to ten-year residents did not violate the right to vote, ending a six-year legal campaign by the loyalist immigrant

Mouvement pour la France (NC, 13 Jan 2005).

The real complaint of the RPCR was a reverse lack of collegiality, as the AE could conduct business with the FN, UC, UNI, and LKS even if the RPCR objected. Lafleur told *Le Figaro* that he saw the AE doing the bidding of the pro-independence UC when it came to the electorate issue, which in turn affected employment and citizenship (KOL, 20 Nov 2004), and he warned that the situation was just like 1984, when political polarization had destabilized New Caledonia (*Les Infos*, 3 Dec 2004). Meanwhile, the AE organized itself as a formal party, not simply a voting coalition, and elected Martin as its president. Leroux's Alliance and two smaller loyalist parties agreed to dissolve and merge their membership with the AE. Even Gambey of the LKS, who had run on the AE electoral list and thereby attained the lone pro-independence voice in the Southern provincial assembly, attended the founding congress of the AE (NC, 31 Aug 2004, 2 Oct 2004). Within the FLNKS, Palika had displaced the UC as the controlling party and systematically excluded the UC from the Northern Province's administrative councils, including those devoted to the Koniambo nickel project, while in the Congress the UC often cooperated with the once-marginalized loyalists of the AE and FN. Naouna of the UC countered Lafleur's complaint that his party was influencing the AE too much by saying that after the first post-Noumea Accord elections, the RPCR had formed a coalition with the FCCI, a party of supposedly pro-independence Kanak dissidents from the UC and Palika

(NC, 23 Oct 2004; *Les Infos*, 3 Dec 2004, KOL, 23 Nov 2004). At its congress in November, Palika reaffirmed its goal of revolutionary socialist independence for Kanaky, which it felt the full implementation of the Accord of Noumea would achieve, through building a nickel-processing plant in the North to balance that in the South and thus provide needed jobs for Kanak youth; freezing the electorate and citizenship and favoring locals in hiring; and using the FLNKS rubric in ongoing follow-up negotiations with Paris. Palika acknowledged that the latter had slowed a bit because of the shock the AE electoral victory had caused to the RPCR and the French UMP, but the FLNKS would persevere and prevail (KOL, 17 Nov 2004). The AE said that the lack of preparation by the RPCR regime might delay the transfer of more autonomy powers until 2009, the very end of the second accord mandate (*Les Infos*, 3 Dec 2004).

Another test of the new government was the issue of whether to inquire about ethnic and (for Kanak inhabitants) tribal identities in a population census of the territory. Such data had been collected in every New Caledonian census since World War II, but just before a scheduled survey in July 2003, Chirac vetoed the idea during his visit. At the Jean-Marie Tjibaou Cultural Center, he had met with young people, one of whom, athlete Isabelle Artus, told him, "I have lived in Caledonia since I was two years old. I don't feel Melanesian or Zoreille (French metropolitan immigrant). I feel Caledonian." Chirac was upset and called the notion of checking off an ethnic

identity on an official document “scandalous” because it violated French antidiscrimination laws. A year later, the National Institute of Statistics and Economic Studies prepared to try again, with new questionnaires that no longer included boxes for ethnic or tribal identities. The pretext given in 2003 for canceling the census was that the New Caledonian government had not been consulted. In 2004, the government of the territory was consulted on the change in the census forms, but having changed leadership, it now supported including ethnicity and tribal identity in the inquiry. Despite dissent from the pro-Chirac RPCR, it said it needed to know the ethnic composition of the population in order to measure how successfully the goal of socioeconomic rebalancing was being achieved, and knowing the tribal identity of the Melanesians could determine urban migration trends and funding for rural communes—exactly the position of the pro-independence parties (*NC*, 10 July, 23 July 2004).

The FLNKS asked for a delay in the census of several months to resolve the impasse, arguing that the multi-ethnic society of New Caledonia needed the data that Chirac had prohibited (*NC*, 25 Aug 2004). The UC even threatened to boycott the census, which was scheduled for August and September, if ethnicity and tribal identities were not included, calling Chirac’s veto “a colonial act” because it negated the Noumea Accord’s recognition of Kanak identity and the call for rebalancing. The pro-independence labor federation Union Syndicaliste des Travailleurs Kanak et Exploités (USTKE), led by Gerard

Jodar, seconded the boycott idea, but Sylvain Pabouty of Palika supported a solution whereby the local government would conduct a second survey in 2005 that would ask about ethnicity and other social issues, and the results of both would later be combined (*ABC*, 9 Aug 2004). The French high commissioner agreed to the compromise, but the UC refused to vote with the AE for it, and Naisseline of the LKS called the second survey “too expensive and precipitous.” The AE had to turn to the FN and, ironically, the RPCR for the needed votes to finance the second survey, which would cost an estimated US\$1.5 million (*NC*, 10 Sept 2004). By December, statisticians admitted that as much as 10 percent of the population had boycotted the census, not only the UC or USTKE but also an association of metropolitan migrants who felt they were being treated as second-class citizens in New Caledonia and therefore opposed the Noumea Accord (*PIR*, 12 Dec 2004).

At the regional level, Thémereau attended the annual Pacific Islands Forum meeting in Apia, Sāmoa, in August, along with half a dozen other government representatives, including Neaoutyine. She expressed support for the possibility that French Polynesia, then under Oscar Temaru’s more independence-oriented government, might acquire observer status at the Forum as the FLNKS of New Caledonia had. She also advocated the prevention of terrorism or criminal activities, the promotion of sustainable development, and improved relations between the ACP (African, Caribbean, and Pacific) countries and the European Union (*NC*, 9 Aug

2004). Yet she was cautious about the idea of a free-trade zone in Oceania, saying that the three French territories had a higher domestic product than all fourteen Anglophone states (excluding Australia and New Zealand), and she found it awkward that the FLNKS and Temaru had such close ties, since she wants New Caledonia to remain French (*T-P*, 8 Sept 2004).

Four hundred regional scientists met in Noumea in September to discuss issues and projects, an event that Chirac had encouraged to "anchor France in the Great Ocean of the Anglo-Saxons, via the Caledonian platform" (*NC*, 1 Sept 2004). He had also said "France would like to contribute to the stability and development of the Pacific" by funding scientific and health projects as well as the media; Paris gave US\$4 million to such activities in the region (*T-P*, 12 Sept 2004). Meanwhile, a French naval frigate patrolled Oceania's maritime economic zones for three months in late 2004, in order "to develop collaboration with small South Pacific countries" (*T-P*, 20 July 2004), and the French military conducted an emergency civilian evacuation exercise in New Caledonia, in case a crisis like that in the Ivory Coast arose in the French Pacific (*NC*, 26 Nov 2004). Australian and New Zealand forces had joined the French in military exercises in New Caledonia in June, as part of the 1993 FRANZ agreement, and Thémereau welcomed Australian overtures to increase its already large trade with and investments in the territory. Australian exports to New Caledonia total US\$200 million annually, and it

is a major Australian tourist destination. Australian Foreign Minister Alexander Downer said that Australia supported the Noumea Accord and "France's constructive role in New Caledonia and the region" (*PIR*, 21 Dec 2004).

New Caledonian exports still consist mainly of nickel, and the international price for it doubled in 2003, due to the rising market in China and India for stainless steel. The territory hopes to increase its profit margin further by tripling its production of processed nickel, as opposed to raw ore. Yet Kanak landowners and environmentalists are voicing growing concern over the impact of such strip mining and chemically intensive refining processes on the local soil, waters, and reefs. Two years ago, they tried to get New Caledonia's barrier reef (second in size only to Australia's and biologically one of the richest in the world) classified as a UNESCO World Heritage site, but the Chirac regime stalled the effort, preferring to entrust environmental protection to the mining companies (*PIR*, 15 Jan, 16 Jan 2004; *KOL*, 20 Feb 2004). The long-established Société le Nickel (*SLN*), a subsidiary of Eramet, which is majority French State-owned, installed an additional furnace in its Doniambo plant in Noumea, which will increase its production of processed nickel to 75,000 tons a year. The *SLN* also installed a new filter that will decrease nickel dust emissions by two-thirds. It expanded its mining site at Tiegaghi, and the harbor facilities nearby, in order to provide Doniambo with a million tons of ore per year (*NC*, 8 June, 6 July, 22 July, 13 Aug 2004). Mean-

while, progress continued on the US\$1.6 billion joint venture between the Northern Province and Falconbridge of Canada to expand mining at Koniambo and build a local processing plant. A feasibility study was encouraging, though Falconbridge was still weighing costs of materials (steel, fuel, etc) and the decline of the dollar against the euro. The company was already interviewing young job applicants, and a final decision on the project was due by the end of 2004. Koniambo is expected to create nearly 900 jobs directly, and 2000 indirectly in the region, which suffers from a 30 percent unemployment rate (*NC*, 3 Aug, 23 Sept 2004). If Falconbridge does not say yes to the project by the end of 2005, the SLN will take it over (*NC*, 9 Oct 2004).

The most controversial nickel plant is the US\$1.8–2.0 billion project planned for Goro, in the Southern Province, by INCO of Canada. In 2002, protests over environmental issues and local hiring forced INCO to halt construction and reconsider the arrangement. In June and July 2004, INCO held a series of public meetings in New Caledonia, at the request of the new government. Scott Hand, president of the Canadian nickel giant, said repeatedly that local inhabitants support for the project was indispensable, since INCO intended to be working in the territory for over a century (*PIR*, 23 June 2004; *NC*, 29 July 2004). Raphael Mapou's Rheebeu Nu, a local indigenous customary committee, still wanted INCO to find a better way to process the ore than using the experimental pressure acid leach method, but Southern Province President Gomès tried to sweeten the deal

by proposing that his province give half the royalties to the Northern and Islands Provinces, and that together they acquire another 10 percent share of Goro, in addition to the 10 percent that the province and territory were already going to receive. (This still contrasts very unfavorably with the 51 percent ownership of Koniambo by the North, but the three-province agreement was finalized in January 2005 [*NC*, 15 Jan 2005]). Gomès also said that the new regime would remain vigilant about environmental impact, local hiring, participation by local businesses, and sociocultural impact on the inhabitants. Hand said that INCO still had its eyes on the Prony site near Goro for future ore supplies, though a court had taken away its near-gratis permit for exploring Prony in late 2003, only to have then–Southern Province President Lafleur restore it (*NC*, 31 July 2004; *KOL*, 20 Feb 2004). The new Southern Province government approved the Goro project in August, and in October INCO gave it the green light and soon began to hire people (*NC*, 13 Aug, 21 Oct, 30 Nov 2004). Hand called it a model agreement, and the presidents of all three provinces, the government, and the Congress signed it (*NC*, 22 Oct 2004). New Caledonia also hosted a meeting of 200 nickel experts from seven major countries who eyed its huge reserves (*PIR*, 22 Sept 2004).

World-class nickel mining and processing has made New Caledonia the most industrial country in Oceania, but that situation has also created powerful labor unions, who can paralyze the territory with strikes and play a role in politics too. The fact that the

Noumea Accord proposed favoring local hiring and also rebalancing economic relations between the indigenous Kanak and immigrants has added fuel to strike actions, especially as the current nickel boom attracts a new wave of immigration. In the provincial elections every party took up the slogan of protecting local employment, but no “law of the country” has yet made specific how long someone must be a resident to avoid exclusion if a local citizen has the same qualifications; each employer uses its own hiring guidelines. The association of employers is studying whether they themselves need to provide more training to prospective employees in order to satisfy the growing local demand for jobs, only one-third of which are provided by government. Several strikes in the past two years by USTKE and the Union Syndicaliste des Ouvriers et Employés de la Nouvelle-Calédonie (USOENC) have contested the hiring of immigrants with only a year (or, in one case, eight years) of residence instead of a local-born applicant. For working in the territory, state civil servants on contract from France receive extra pay that almost doubles their salaries, which is another source of resentment because it adds to local inflation and shows just how little the French State really considers New Caledonia to be part of France (the reverse does not apply if a New Caledonian goes to France to work). The locally funded CAFAT provides unemployment insurance to job-losers, but it is in the red financially, since 17 percent of workers needed such help in 2003. That year,

10,000 people applied for 500 new jobs every month (NC, 29 June, 6 July, 5 Oct 2004).

On May Day, USTKE marched in political support of the oppressed indigenous peoples of Palestine and Iraq and in economic support of generalizing family allowances to help the needy, controlling immigration, enacting fiscal (ie, tax) reform, and protecting local employment, especially for Kanak, who comprise only 12 percent of the salaried workforce (NC, 3 May 2004). In July, USTKE blocked the seaport for a week over a dispute between two docker firms—Manutrans (owned by Louis Kotra Uregei, former USTKE president, and mostly Kanak) and Sofrana (owned by Leroux)—over their respective shares of ship unloading. After a court ordered the police to reopen the port by breaking up the picket lines, USTKE (a federation of a dozen unions) called a general strike that lasted for three days, shutting down everything from gasoline to flour for bakeries to animal feed to the international airport to the French television, radio, and newspaper services. Even the FLNKS tried to mediate to resolve the strike. Leroux accused USTKE of holding the whole country hostage over a minor dispute and suggested it was being manipulated by the RPCR to embarrass the AE regime. But he finally gave in and allowed Manutrans a greater share of harbor work, though one of its own shipping line customers had switched to Sofrana (his firm), causing all the turmoil (NC, 27 July, 30 July, 2 Aug, 4 Aug, 5 Aug 2004). USTKE soon shut down the news services again, this time over a

hiring dispute in which Rock Haocas, a Kanak engineer from Lifou in the Islands Province (where Uregei comes from), claimed that after coming back from training in France he had been given a job beneath his qualifications and experience at Radio France Overseas (RFO). Strikers blockaded the broadcasting station, beating up a cameraman who tried to photograph them, so New Caledonia had no television or newspaper service (except online) for 100 days, until an agreement granted Haocas a better job (PIR, 7 Sept, 5 Nov 2004; NC, 2 Dec 2004).

An emerging "national" identity thus expressed itself in various ways in 2004, notably in the new spirit of collegiality among the once-marginalized non-RPCR parties in the Congress. After a series of public discussions in June and July about cultural symbols, such as a new name for the country, Jean-Paul Caillard suggested that the increasingly used term Kanaky New Caledonia (similar to Papua New Guinea) might win by default, because neither side of the old ethnic divide was willing to abandon its established label (KOL, 17 July 2004). In August, the Customary Senate passed its presidency from Gabriel Poadae of the Paicî region in the North to Paul Jewine of Mare in the Islands Province, and that same month the families of Jean-Marie Tjibaou, Yeiwéné Yeiwéné, Djubelly Wéa, and Daniel Fisdiepas completed a long customary process of reconciliation for the tragic events of May 1989, when Wéa assassinated the first two, and bodyguard Fisdiepas killed Wéa (NC, 23 Aug, 29 Dec 2004). On 24

September, the Mwâ Kâ, a Kanak totem pole carved with images from all eight Kanak cultural regions that had been created for the 150th anniversary of French annexation in 2003 as a symbol of ethnic reconciliation, was installed permanently in front of the National Museum. Lafleur had appropriated the Mwâ Kâ, when the RPCR mayor of Noumea had banned it from the Place des Cocotiers in the center of the capital, and later asked to have it removed from the grounds of the Southern Province headquarters. This year, Gomès and Leroux hailed it as a reminder that Noumea was not only a white city and that everyone should remember that New Caledonia is part of Melanesia. It was also the thirtieth anniversary of the first protest, in 1974, by Kanak and Caledonian radicals against settler celebrations of annexation, a fitting date for a new beginning (NC, 24 Sept 2004; KOL, 24 Feb 2004; Maclellan 2005).

DAVID CHAPPELL

References

- ABC, Australian Broadcasting Corporation.
Le Figaro. Daily. Paris.
Le Monde. Daily. Paris.
Les Infos. Weekly. Noumea.
 KOL, Kanaky Online. E-mail
 <kanaky@yahoo.groupe.fr>
 Maclellan, Nic. 2005. Building the Mwâ Kâ: Conflict and Reconciliation in New Caledonia. Discussion Paper. State, Society and Governance in Melanesia Project, The Australian National University.

NC, *Les Nouvelles-Calédoniennes*. Daily. Noumea.

PIR, *Pacific Islands Report*. <<http://pidp.eastwestcenter.org/pireport>>

T-P, *Tahiti-Presse*. French Polynesia Web site <<http://www.tahitipresse.pf>>

PAPUA

Again this year, the indecisive policies of Jakarta were met with disillusionment in Papua, albeit amid hopes of change after President Megawati Sukarnoputri was ousted in the national parliamentary elections. Before a devastating tsunami hit coastal stretches of Asia and Southeast Asia including the province of Aceh and west-coastal stretches of North Sumatra on 26 December 2004, the year in Indonesia looked likely to be remembered as one in which a major step was made toward the consolidation of democracy. Elections held in April, July, and September resulted in a new parliament and new regional legislators. Susilo Bambang Yudhoyono (popularly known as SBY), a former army general, defeated Sukarnoputri on charisma, a purported no-nonsense approach to stagnating reform and growing corruption, and the promise to peacefully resolve the tensions in Papua and Aceh.

Fear that concessions to Papua would encourage separatists remained widespread among officials in the central government. On 5 January, the Indonesian Army chief of staff, General Ryamizard Ryacudu, reminded the nation that it might lose Papua and Aceh because of threats from

“modern warfare.” He suggested that rampant human rights allegations made by foreign parties against the military were part of a conspiracy to separate the provinces. Ryacudu claimed that the conspirators had enlisted several nongovernmental organizations to meet their goals, not least the United Nations.

Out of fear that Papua might become a second East Timor, the majority of Indonesian policymakers continued to respond ambiguously to demands for justice and equal sharing from Papua. Support continued for weakening institutions that could foster Papuan nationalism, and new ill-prepared provincial and district governments were allowed to assume responsibility over large amounts of funds and to face the huge challenges associated with bringing services and enhanced economic and educational opportunities to the people. While most Papuan leaders demanded recognition of the myriad problems faced by the people, certain parties in Jakarta as well as elements of the Papuan elite continued to support the establishment of the province of West Irian Jaya. In an atmosphere of confusion and distrust of the central government, the people of Papua embraced the possibility of casting votes for political change.

The first polling took place on 5 April and led to the election of members for a 550-seat parliament, the council of regional representatives, provincial legislatures, and regent/municipal legislatures. Overall, the election reflected clear nationwide aspirations for a democratic solution to feelings of marginalization and grievance over the poor delivery of

services. Unlike during the national election in June 1999, no boycotts, no demonstrations, and no major frauds occurred. Violent conflict in areas of Papua renowned for ethnic discord, such as Mimika, Wamena, and Sorong, did not eventuate. Well before the election, the Provincial Elections Commission in Jayapura became worried about shortage of funds to finance the complicated logistics. In early March, the governor of Papua indicated that of twenty regencies in the province (excluding West Irian Jaya), nine had not yet received any materials for the legislative elections. The General Elections Committee in Jakarta responded that they had asked the National Military Forces (TNI) to help distribute the materials in the case of an emergency. However, a few days after the elections, the highlands district of Pegunungan Bintang and the subdistrict of Okaba (Merauke) reported that they had yet to hold polls due to the late arrival of election materials from the General Elections Committee.

During the months preceding the April polls, tensions developed between the provincial administration and the elections committee. The friction had to do with the lingering controversy over the division of the province. Papuan bureaucrats accused the committee of being contaminated by government interests, as the new province was not mentioned in the Election Law while West Irian Jaya's acting governor, Abraham Atururi, had required all legislative candidates to accept the new province's existence. In mid-January, Bambang Widjoyanto, the head of the Papua Special Autonomy Defence Team that filed a

law suit against the division of the province, stated that Law No. 45/1999 for that division was orchestrated by the Sukarnoputri-led Indonesian Democratic Party of Struggle (PDI-P) to weaken the dominant Golkar Party in the region. He suggested that the PDI-P had economic interests in Bintuni Bay where British Petroleum and Pertamina are establishing the Tangguh natural gas plant. Widjoyanto added that both the military and the National Intelligence Agency (BIN) would also lose out if the law were dropped because the two institutions have economic interests in maintaining a high level of TNI presence in the region. Furthermore, Widjoyanto sent two warnings to the General Elections Committee to annul its decision on the establishment of West Irian Jaya electoral districts. Speaking on behalf of the Speaker of the Papua Provincial Legislative Council, John Ibo, he said that his legal team also objected to the seat allocation for the West Irian Jaya Provincial Legislative Council and Regencies Legislative Council. The allotted 44 seats to the new province exceeded the 35 that would legally be allocated for the population of 567,894 recorded in the latest census.

On 5 July, people voted for president and vice president for the first time ever. These elections proceeded without major disturbances throughout the archipelago and selected two presidential candidates out of five. In Papua, voter turnout was high again with fervent complaints in those regions where ballot boxes did not arrive in time or where the voting forms were not in order. One of the main reasons for the widespread par-

ticipation in the elections was the disappointment felt by many toward the ineffectual Sukarnoputri government. Disillusionment grew when people saw President Sukarnoputri's lack of commitment to Papua, reminding them that they live in a part of Indonesia not likely to receive just governance if business and military interests in Jakarta prevail. Since SBY (Susilo Bambang Yudhoyono) advocated support for Special Autonomy (commonly referred to as Otsus) and promised to foster democracy, most considered a future under him as more promising. The final round of the presidential elections ended in a victory for SBY and his vice presidential candidate, Jusuf Kalla, who received 61 percent of the votes. In Papua, SBY defeated Megawati Sukarnoputri with 67 percent of the votes compared to 33 percent, while in West Irian Jaya SBY received 58 percent of the votes.

The nation's composure during the long electoral season came as a surprise to observers who had forecast violence. In some out-of-the-way regions of Papua, incompetence, poor logistics, and a shortage of funding delayed delivery of often-inaccurate voter-identification cards, thus hampering the elections. This further alienated people from the political process. Political apathy, caused by the commonly held perception that it does not make much difference who gets elected in an intrinsically corrupt system, and a gradual loss of hope in *reformasi* (the movement for democratic reform) may have caused the elections to proceed without disruption. However, high voter turnout clearly demonstrated the general sup-

port for civilian-led government and democratic rule in Indonesia.

On 6 February, an earthquake measuring 6.9 on the Richter scale damaged buildings, houses, and infrastructure in Nabire, with outlying areas also severely affected. Thirty-seven people died, hundreds were injured, and thousands were forced to seek shelter. A second major quake registering 7.1 struck close to the city the next day and aftershocks were felt until mid-February. Minister of Welfare Jusuf Kalla visited the region and promised US\$178,000 for relief and reconstruction work, and the United Nations launched an aid effort. Amounts ranging from US\$50,000–170,000 were donated by a number of foreign governments and international aid organizations. However, aid was slowly provided, poorly distributed, and limited in amount. As part of her election campaign, President Sukarnoputri visited the victims a month later, promising houses, schools, and hospitals.

One and a half weeks after the first major earthquake, reports about outbreaks of dysentery and a surge in malarial infections emerged from the region. Over 2,000 people, mostly traders and shopkeepers, left the region to assume life elsewhere in Papua or returned to South Sulawesi. On 26 November, the region was hit by another quake that measured 6.4 on the Richter scale and a long series of aftershocks. Over thirty people were killed and again significant material damage was caused, largely in and around the town of Nabire. Two weeks later, health workers sounded the alarm over the need for more medical supplies to deal with

disease outbreaks. Jusuf Kalla visited the stricken region again but this time in the capacity of vice president. On 30 November he handed over a cheque worth US\$110,000 to Nabire Regent A P Youw in a ceremony that was witnessed by Papua Governor Jaap Solossa, and asked that the money be used wisely to meet the needs of the victims. President SBY spent a night with the victims in a tent during his Christmas tour of Papua.

The visits of officials from the central government to Nabire were laudable developments, but critics quickly pointed out that the government should also deal with issues that are equally or more pressing. Besides rampant illegal logging, illegal fishing, and a growing spread of HIV/AIDS throughout the region, ongoing counterinsurgency by the TNI and the police in the highlands lead to numerous deaths. Thousands of refugees and many others lived in fear.

The rampant spread of HIV/AIDS is partly connected to the TNI involvement in resource exploitation, in particular illegal logging and *gaharu* (eaglewood) gathering, as well as trade in remote places. Prostitution centers established and run by the TNI to service local and migrant workers is a principal source of infection. Estimates suggest that the number of HIV-infected people in Papua stands at approximately 15,000 at present. Meanwhile, the Indonesian media reported in mid-August that the TNI has deployed an additional 1,800 troops to Papua, allegedly to address difficulties with Papua New Guinea villagers who

have made traditional claims along the largely undemarcated and unpatrolled border.

In November 2003, Kopassus (TNI Special Forces) killed ten people while they slept in Yalengga village, in the Jayawijaya district. The night before he was killed, Yustinus Murib, local leader of the Free Papua Movement (OPM), broadcast a message of peace and reconciliation on Australian television in which he called for UN intervention and peaceful dialogue between Jakarta and Papua. A published photo of soldiers displaying Murib's dead body like a game trophy sparked heated criticism of the military's brutality. The attack on Yalengga was part of a TNI offensive in the highlands that led to the burning of villages and displaced thousands. The campaign entailed extrajudicial killings, torture, rape, and assaults on health clinics, churches, schools, and gardens. Compounding the suffering of the civilians, the TNI has prevented humanitarian assistance workers, including Papuan church leaders, from accessing these areas, thereby preventing the supply of food and medicine to hundreds of villagers still hiding in the forests. Church leaders report that scores have died of starvation and disease as a consequence.

In mid-October, Kopassus and the Police Mobile Brigade (Brimob) launched a series of inept operations in and around Mulia, in the Puncak Jaya district, apparently in retaliation to an attack on non-Papuan workers on the Trans Wamena road on 12 October. The perpetrators may have been disgruntled Papuan workers but the military quickly pointed at OPM

leader Goliat Tabuni. On 21 October, bullets fired from a TNI helicopter killed a priest and a number of other people. Scared by the air assault, hundreds of people sought refuge in the mountains. In response to the incident two members of the council of regional representatives, Ferdinanda Ibo Yatipae and Protestant minister Max Demetouw, called on President SBY to do all he could to prevent such undisciplined and unnecessary military operations in the region. Outraged by the events, they also asked the government to take responsibility for the growing amount of refugees in the region. Furthermore, they demanded a clear focus in policies, including a well-thought-out plan for dealing with the OPM that would not include the terrorizing of innocent people, and the immediate implementation of Otsus as promised by SBY and Jusuf Kalla during the election campaign.

The terror campaign also forced most Baptist churches in the region to close, and Pastor Elisa Tabuni was killed by Kopassus during interrogations regarding the whereabouts of Goliat Tabuni. President of the Fellowship of Baptist Churches in Papua, Socrates Yoman, noted that local people are suspicious that the culprits in the killings were not those serving under Tabuni but rather were from one of two local militia groups organized by the TNI. Also, according to Yoman, the TNI had demanded substantial financial support from local officials to underwrite the military operation. In the course of the military operation, the national and international media began to speculate that the atrocities were organized

to forestall a promise by President SBY to peaceably resolve tensions in both Papua and Aceh within the first one hundred days of the new administration. Such a reduction of tensions in Papua would undermine the security pretext for the TNI's lucrative deployment in Papua. Fearing too much attention to the operations in the highlands, the police refused to permit a major gathering of three Papuan religious organizations.

On 25 November, the provincial authorities issued a warning to people not to raise Papua's Morning Star flag or gather to commemorate the 1 December anniversary. Despite the warning, the flag was hoisted at a number of locations, including the Trikora field in Abepura, where, reportedly, around two hundred people gathered. After the flag flew at Trikora for about one hour, the police demanded that it be lowered. The police forcefully seized the flagpole but it was quickly seized back by the group of demonstrators. Police then fired warning shots and unsuccessfully tried to disperse the group. Outnumbered, the police retreated, resulting in a one-hour standoff during which the flag continued to fly. When dozens of police reinforcements arrived at the scene, the demonstrators retreated. A number of people were arrested, including Filep Karma and Yusak Pakage, who have since then been indicted for rebellion against the state. They face penalties up to life sentences.

Toward the end of July, activists all over Indonesia, including Papua, began to criticize a revised bill concerning the TNI. They argued that the

amended law represented a setback for democracy because, if enacted, it would retain the military's territorial presence. The late Munir of the National Commission on Missing Persons and Victims of Violence (Kontras) said the bill scrapped presidential authority to approve deployment for other purposes, including territorial security. He said Article 8(2) of the bill contradicted the People's Consultative Assembly Decrees on the separation and different duties of the police and the TNI. The article states that the TNI had three key roles in maintaining state sovereignty and integrity: to launch war against the enemy, to launch military operations other than war, and to maintain territorial supervision. He also criticized the proposed Article 59, which reaffirmed the existence of the military court authorized to grant impunity to its soldiers. After extensive rephrasing and deliberation, the preservation of the TNI's territorial role was approved on 30 September by the House of Representatives, shortly before the end of their mandate.

After much delay, the trials of the senior police officers accused of crimes against humanity committed in Abepura in December 2000 began in the newly established Permanent Human Rights Court in Makassar, South Sulawesi, on 1 April. Brigadier General Johnny Wainal Usman and former Municipal Police chief (and still head of the Papua Police Information Office) Adjutant Senior Commander Daud Sihombing are accused of the murder, arbitrary detention, and torture of Papuan students following an attack on the local police station. After the attack, the Abepura Police,

assisted by the Jayapura Brimob, began a hunt for the perpetrators by scouring nearby residential areas, including a student residence. During the searches, police arrested and assaulted over one hundred people, and three were tortured to death. At the trial Sihombing chose to read his own defense, titled "Don't be misled with the deception of the traitors of the state in such a way that an innocent patriot was trapped with a scarf of his motherland to which he has put his life." During the legal proceedings, on 7 June, the panel of judges dismissed a class-action claim of compensation by the victims of the families, who have received no redress from the government. The judges argued that within the framework of Law No. 26/2000 on human rights violations there is no mechanism for a class-action claim, while in fact Article 35 of the law states such procedures. The trial of the two suspects is continuing.

Uncertainty continued to surround the 31 August 2002 ambush on Freeport's mining road in which three schoolteachers (two of whom were US citizens) were killed. From the outset of the investigations, the TNI have tried to overrule initial conclusions drawn by the police and human rights organizations, which implicated the involvement of Indonesian troops. One of the survivors, Patsy Spier, whose husband was killed in the attack, continued lobbying the US Congress to adhere to the ban on International Military Education and Training (IMET) and weapons sales to Indonesia. Since 2003 the FBI has attempted to investigate the 2002 ambush, but with little success. The

Consolidated Appropriations Bill for fiscal year 2004 bans IMET until the US State Department determines that the TNI and government are cooperating with the FBI investigation and a range of conditions are met, including extradition of those indicted by the joint UN–East Timor Serious Crimes Unit, a public audit of TNI funds, and prosecution of TNI members who have been credibly alleged to have committed gross violations of human rights.

US Attorney General John Ashcroft's labeling of Anthon Wamang as a "terrorist" and the suggestion that he was acting as a member of the Free Papua Movement (OPM) when his group carried out the attack at Freeport had immense ramifications. It provided the Indonesian military with *carte blanche* to pursue Papuan dissidents. In early August, ELSHAM, LEMASA, and YAHAMAK (the human rights groups in West Papua that assisted the FBI in its investigation of the killing of two Americans at the Freeport mine in August 2002) expressed their grave concerns over Ashcroft's actions, and called for the US Congress to facilitate a full and impartial investigation. Although it is still not clear exactly who was the overall mastermind of this attack, an unprejudiced reading of the facts points as much to the military as to the OPM. Though identified as an OPM field commander, Anthon in fact lived in the city of Timika where he was a business partner of Kopassus. Anthon told the three human rights organizations as well as FBI agents that he was in the *gaharu* (eaglewood) and gold business with Kopassus.

Though Anthon had been in the field at various times with the OPM over the past two decades, at the time of the attack he was living and working alongside Kopassus, not the OPM.

The freedom of movement of civil society organizations remained difficult. In April, TNI sued the human rights organization ELSHAM in relation to its public release of the results of an investigation into the August 2002 ambush at the Freeport mine. The judge presiding over the US\$5.5 million libel suit refused requests by the ELSHAM defense team to recall witness Decky Murib to the stand on April 14. Under pressure of the military, a month earlier, when military prosecutors brought Murib to the stand as a witness, he changed his testimony and alleged that ELSHAM investigators coerced him into giving false information about military involvement in the attack. The Indonesian military commander in Papua, Major General Nurdin Zainal, called it a victory for the TNI, but the media reiterated that Murib had worked as an informer for Kopassus personnel in the Freeport mining area for a number of years.

In March, the Constitutional Court began to review Law No. 45/1999 on the formation of West and Central Irian Jaya and a number of new regencies. Governor Solossa and Legislative Council Chairman John Ibo, assisted by the Papua Special Autonomy Defence Team, filed the request for the judicial review. Testifying before the court on 17 March, Bishop Leo Laba Ladjar of Jayapura warned that if the government was reluctant to implement Otsus for Papua, intellec-

tuals and bureaucrats might join the people to form a freedom movement. On 11 November, the court judge ruled that the establishment of West Irian Jaya remained valid although Law No. 45/1999 was no longer effective. Eight of the nine judges argued that the Otsus Law took effect after the new province and regencies were formed, and that no state institution had been annulled by the law. The court ruling was seen as a victory for West Irian Jaya's acting governor, Abraham Atururi, and left many confused in Jayapura, Sorong, and elsewhere in Papua. For West Irian Jaya, the verdict requires a review of the province's status, specifically the application of Otsus. If Otsus is to be applied to West Irian Jaya, it will have to be mandated by a special autonomy law, which can only be passed after deliberation by the yet-to-be-established Papuan People's Assembly (MRP). While the media reported the decision as a win-win solution for all conflicting parties in Papua and Jakarta, John Ibo noted that it will lead to increasing chaos and growing loss of confidence in Jakarta's commitment to the problems in Papua.

During a meeting with Governor Solossa in early November, President SBY ordered the immediate establishment of the long-awaited MRP as required by the Otsus law for Papua, but underlined that the council would simply be a cultural representative rather than a political body. Clearly advised by security and intelligence, he criticized the conception of the MRP as a "super body," saying it could threaten the integrity of the

nation. Instead, the revised MRP will represent religious, customary, and female groups, without having any political rights. During an interview with the *Jakarta Post*, Solossa pointed out that what is special about the autonomy for Papua is the MRP, which according to the underlying law is the highest decision-making institution, representing all constituencies in the province. SBY also promised to set up a Papua desk at the presidential office to deal with matters related to Papua. During the meeting, Solossa invited the president to attend Christmas celebrations in Papua.

During his visit to Papua over Christmas, SBY tried to make up for the previous lack of commitment to Otsus in Papua with a "Christmas gift" comprising the establishment of the MRP. After SBY's visit, the news that spread about the imminent establishment of the MRP revived the discussion about whether Otsus is, as the popular rhetoric goes, for the people of Papua, or for "Indonesia" and those Papuans in the administration whose minds have become "Indonesian." The general suspicion is that Otsus is yet another promise of Jakarta to placate the people of Papua with some hollow policy that is not going to better Papua but instead divide its people even further. Frustrated with a protracted history of deferred promises and failing development programs, most people in Papua are suspicious of the purpose of Otsus and Jakarta politics. Successful elections, a new promising president, and the approval of MRP should augur well for the people of

Papua. However, this year the reality on the ground remained unsettling for most.

JAAP TIMMER

References

- Cenderawasih Pos*. Daily. Jayapura.
Down to Earth. Monthly. London.
Far Eastern Economic Review. Weekly. Hong Kong.
Jakarta Post. Daily. Jakarta.
Kabar-Irian. Daily bilingual news service. <<http://www.kabar-irian.com>>
Kompas. Daily. Jakarta.
New York Times. Daily. New York.
NRC Handelsblad. Daily. Rotterdam.
Suara Pembaruan. Daily. Jakarta.
Sydney Morning Herald. Daily. Sydney.
TAPOL Bulletin. Monthly. London.
Washington Post. Daily. Washington.
West Papua Reports. Monthly. Robert F Kennedy Memorial Centre for Human Rights.
 Office for Justice and Peace. 2004a. Papua Aktual, Seri Catatan Sosio-Politik, Papua Aktual 7 (Jan–March), 8 (April–June), and 9 (July–Sept). Office for Justice and Peace, Diocese of Jayapura.
 ———. 2004b. Bisnis Gaharu dan Dampaknya Terhadap Kehidupan Orang Awyu dan Wiayagar Di Distrik Assue, Kab. Mappi–Papua Selatan, November. Office for Justice and Peace, Diocese of Jayapura.

VANUATU

National politics in Vanuatu in 2004 were again dominated by personalities rather than policies, with a number of changes of government throughout the year as personal alliances shifted. In November 2003 there had been a change of government, from a coalition between the Vanua'aku Pati (VP) and the United Moderate Party (UMP) to a coalition between VP, the National United Party (NUP), and the Alliance for the Development of Vanuatu (ADV)—which was itself a coalition made up of the Green Party, the Vanuatu Republic Party (VRP), and others. Then Prime Minister Edward Natapei had instigated the change in coalition to avoid a vote of no confidence, although as 2003 drew to a close, rumors of such a vote showed little sign of abating.

Early in the New Year, a reconciliation ceremony between NUP, UMP, and the Melanesian Progressive Party (MPP) was held (VDP, 3 Jan 2004). This strengthened rumors of a no-confidence motion, as a coalition of these three parties would have had sufficient numbers to carry such a motion. By the middle of January, Natapei was denying a counter-rumor that he was considering a further cabinet reshuffle in order to avoid a no-confidence motion (VDP, 15 Jan 2004). The fragility of the government became even more apparent when the ADV threatened to withdraw support from Natapei unless ADV members were given more portfolios and more places on various statutory boards (VDP, 24 Jan 2004). The prime minister's office initially refused to bow to

the pressure, saying that the demands of the ADV were not in accordance with the memorandum of understanding that had led to the change of coalition in November 2003. However, on 19 February—two days after ADV had presented Natapei with an ultimatum to reshuffle the cabinet or face a vote of no confidence—the cabinet reshuffle went ahead (*VDP*, 20 Feb 2004).

In the reshuffle, ADV President Maxime Carlot Korman replaced Sato Kilman of the Peoples Progressive Party (PPP) as minister of agriculture, forestry, and fisheries. In addition Joe Natuman (VP) lost his position as minister of internal affairs to George Wells, another VP member; and Jackleen Reuben Titek (VP) lost his position as minister of lands to John Morsen Willie (also VP). Donald Kalpokas immediately resigned his position as minister of education in protest over the reshuffle (*VDP*, 21 Feb 2004). Minister for Finance Sela Molisa followed Kalpokas in resigning a fortnight later (*VDP*, 9 March 2004). These changes within the cabinet provided public confirmation of divisions within the VP leadership that had been simmering for some time.

Divisions within VP became more apparent at the VP congress held at Lingarak in October 2003. Voting on the VP executive split the party. On one side was the “old guard,” which included Molisa, Kalpokas, Natuman, and Titek. On the other were the supporters of Edward Natapei. At the Lingarak congress, a motion to oust the old executive was passed, but VP Honorary President Kalpokas then declared the vote invalid due to irreg-

ularities. This matter could not be resolved at Lingarak so tensions between the factions continued, and VP was left without a clear executive. Kalpokas claimed the tensions started in 1999, with new people joining VP: This “‘new blood’ with new ideas . . . sought to makes changes in the party work ethic and the custom and tradition of the VP through short cuts” (*PVPO*, 5 July 2004; see also *PVPO*, 13 March 2004). Others saw the tensions as arising from the old guard being unwilling to pass on the power that they have held for so long.

Following the reshuffle of February and resignation of Kalpokas, VP subcommittees on Tanna began to call for Natapei’s resignation (*VDP*, 24 Feb 2004). Splits between different subcommittees in Port Vila also became apparent (*VDP*, 3 March 2004). There was some hope that tension in VP would ease after a meeting and public ceremony by Natapei and Kalpokas, during which they agreed to refer to court the matter of the election of the VP executive (*VDP*, 6 March 2004). This heralded the start of protracted legal maneuverings. The first move was an interim application by the Kalpokas camp for an injunction to stop the disputed parties from using the VP name. The courts rejected this application, but any hopes for an easing of tensions through an agreement to resolve the dispute through legal rulings were shown to be naive (*VDP*, 13 March 2004).

Natapei’s position was further weakened after allegations by Serge Vohor that some UMP members of parliament had been offered cash to join the ailing government (*VDP*, 18

March 2004). This was soon followed by claims from five members of ADV that Minister Moana Carcasses had promised them payment of 1 million vatu each in return for switching political alliances (VDP, 26 March 2004). The allegations of bribery were, unsurprisingly, denied. A month after these allegations, a new memorandum of agreement was signed, excluding ADV from the government. The signatories were VP, NUP, the Green Party, and Affiliate Greens (VDP, 20 April 2004).

The allegations of bribery were, however, overshadowed by the election of the new president of the republic. Father John Bani's term as president ended on 23 March, and in early April the Electoral College, which consists of parliament and the chairmen of local government councils (Vanuatu Constitution, Article 34), convened to elect his successor. The Electoral Commission, which is a separate body that administers all official elections in Vanuatu, cleared thirty-one candidates as eligible to be appointed president, and voting began on 8 April. The fighting and factionalism within parliament created a stalemate after the first round of voting, with Kalkot Matas Kelekele, the government's preferred candidate, receiving 26 votes, and Alfred Massing Nalo, the preferred candidate of the opposition, receiving 21 votes (VDP, 9 April 2004).

After five days the government chose to join the opposition in order to ensure stability, and Nalo was appointed president. It soon came to light that Nalo was a convicted criminal and at the time of his election was serving a two-year suspended

sentence for aiding and abetting, misappropriation, and receiving property dishonestly, after money went missing following sales of cocoa. Nalo was acting as an agent for the Vanuatu Commodities Marketing Board at the time. The conviction would automatically have disqualified Nalo as a candidate, but the Electoral Commission, which is responsible for conducting background checks, allegedly did not detect it because the certificate of previous offences, issued by the police, had been filled out incorrectly (PVPO, 28 April 2004). Vohor immediately used Nalo's appointment as leverage against Natapei, saying that he should resign (VDP, 23 April 2004). Former President Jean-Leye Lenelcau then blamed the opposition for the situation (VDP, 24 April 2004). Nalo himself did not appear to take any responsibility and refused to step down, forcing the government to take the issue to court. In May the Supreme Court ordered Nalo's removal from the presidency, a decision later confirmed by the Court of Appeal (*Government v Maseng Nalo*). In August Kalkot Matas Kelekele was eventually elected to the post of president.

Turbulence in parliament continued after the presidential election debacle. The first ordinary session of parliament was set to begin on 10 May, but was boycotted by the opposition, which submitted a motion of no confidence to the Speaker. At 6 PM that evening, Natapei convinced the acting president to dissolve parliament. The timing of this dissolution was interesting, as it came immediately after Nalo was removed from the presidency and the Speaker of parliament was appointed as acting

president. Some people perceived the dissolution as a misuse of power and a self-serving attempt by Natapei to retain power. The motion of no confidence had been signed by a majority of members of parliament, so government could have changed while parliament remained in place, and Vanuatu could have avoided the expense and disruption of an early election. The Natapei government, however, claimed that the dissolution was done in the interests of stability.

The decision to dissolve parliament was immediately challenged in court. The challengers lost in the Supreme Court on 13 May but appealed the decision, thereby casting uncertainty over whether or not Vanuatu was going to be heading for a general election. It was not until 28 May that the Court of Appeal confirmed that the parliamentary dissolution was legal (*Vohor v Abiut* 1; *Vohor v Abiut* 2).

The election date was set for 6 July. Campaigning was, in large part, overshadowed by the continuing meltdown of VP. Not long after the May no-confidence motion was lodged, VP members who had signed it (including Titek, Natuman, and Kalpokas) were expelled from VP. However, the legality of this action was unclear, opening up the possibility of more court challenges (VDP, 15 May 2004). In early June the VP coordinator announced a congress, but this announcement was declared invalid by Natapei on the grounds that the executive had not given authority to hold a congress. This did not deter the Kalpokas faction from holding this congress. Indeed, around the time of the congress the Kalpokas faction went back

to court seeking an order declaring that the case seeking to have the Natapei-led executive council declared valid should be struck out on the grounds of nonappearance of legal counsel without explanation (VDP, 11 June 2004). At the congress, Molisa was named the new VP president, replacing Natapei, and a motion was immediately filed in the Supreme Court to have this appointment declared invalid (VDP, 12 June 2004).

Around the same time a series of legal challenges arose concerning who would be permitted to use the VP name during electioneering. While the court ruled that both parties would be permitted to use the VP name, ultimately most of the Kalpokas faction stood under the Vanua K Group banner (*Kalpokas v Ors v Electoral Commission*).

Two hundred and thirty-seven candidates contested the election. No major incidents disrupted voting, but on Tanna a number of ballot boxes were burned while in transit to Vila for official counting. The preliminary counting had already been done, and there were allegations that the boxes had been burned due to anger over vote rigging (VDP, 10 July 2004). Fifteen people were arrested over the incident, including the caretaker minister of finance, Jimmy Nicklam. However, new elections were not held, and results from Tanna were based, in part, on the preliminary counts from those ballot boxes.

Twenty-three people lost their seats in parliament. The Kalpokas faction suffered heavily in the election. Kalpokas, Molisa, and Titek all failed to be reelected. Three caretaker ministers standing under the VP banner also

lost their seats—Nicklam, John Morrison Willie, and Nicholas Brown. Another prominent person who lost out was Roger Abiut, the former Speaker of parliament. Abiut, in his role as acting president, had ordered the dissolution of parliament. The only major party to gain seats in the election was NUP, which increased its seats in parliament from 8 to 10. A number of small parties also gained seats (VDP, 9 July 2004).

No government was formed for several weeks, as different potential prime ministers attempted to form coalitions. By the end of the month it was becoming clear that Vohor had a majority. In a last-ditch attempt to buy enough time to rally support, the Natapei faction boycotted the parliamentary session scheduled for 26 July. Parliament eventually sat on 29 July, and Vohor (UMP) became the new prime minister. His deputy was Korman (VRP), and his cabinet included Natuman, Barak Sope, and Carcasses (VDP, 27 July, 30 July 2004). NUP and part of VP formed the opposition.

However, within two days this government was in trouble. Backbenchers who had not gained portfolios were threatening to cross the floor, and Arnold Prasad, who had been made minister for ni-Vanuatu business, resigned claiming that he had been promised the position of minister of agriculture (although he rejoined the government within two weeks). On 4 August a proposed no-confidence motion, which would have resulted in a government led by NUP's Ham Lini, was not accepted by the Speaker on the grounds that Lini had not made an official appointment to do so. This was followed by allega-

tions that the Speaker did not attend the official appointment of 6 August (VDP, 7 Aug 2004).

The election of the president of Vanuatu had been set for 13 August. Before the election, a motion was filed in the Supreme Court against the Speaker's declaration that the motion of no confidence had been improper (VDP, 14 Aug 2004). Then the maneuvering began, to avoid the vote of no confidence. Kalkot Matas Kelekele, the candidate who was supported by NUP, was quickly elected president and on 18 August there was a cabinet reshuffle in order to include NUP in the government. Lini became deputy prime minister and two other NUP members were also given portfolios. Prasad was removed from the cabinet, and Korman soon resigned (VDP, 19 Aug 2004).

The motion of no confidence continued to float, however. On 19 August the Supreme Court ruled that the Speaker must allow parliament to debate the motion of no confidence. Lini, who proposed the motion, then withdrew it. The opposition intended to go back to court for a ruling on whether the withdrawal was legal (VDP, 27 Aug 2004).

Political events then took another change in direction, with the commitment to trial of Barak Sope. Sope, who had previously been convicted under the Penal Code for forgery, then pardoned by the president, was committed to trial for the same actions under a different piece of legislation—the Leadership Code Act (VDP, 28 Aug 2004). Sope immediately appealed on the grounds that one cannot be prosecuted for the same crime twice, and he was successful. Sope, acting on behalf

of the government, then demanded that two Australian federal police officers attached to the Australian High Commission be removed from Vanuatu by 15 September. Two AusAID advisors in the State Law Office were also removed. Australian interference in Vanuatu politics was cited as grounds for these actions (VDP, 4 Sept 2004). Australian Minister for Foreign Affairs Alexander Downer then indicated that the removal of the Australian federal police could affect Australia's aid to Vanuatu. The Australian federal police did leave by the initial deadline, but by then there were conflicting reports about whether they could stay on the condition that their terms of reference could be worked out (VDP, 16 Sept 2004). There was a clear sense that Australian officials were acting like "bad losers" over events in Vanuatu after their Department of Foreign Affairs and Trade issued a warning to Australian travelers on 16 September to be wary of civil unrest in Vanuatu. This notice was reissued on 7 October, despite total absence of any civil unrest (VDP, 8 Oct 2004).

The saga surrounding Sope carried on in a small way until the end of the year. Earlier in the year the Office of the Ombudsman had reissued the report detailing Sope's forgery, which had led to his criminal conviction. The reissue of the report was perhaps the beginning of the events that led to the attempt to retry Sope under the Leadership Code Act. Sope applied to the Supreme Court for a ruling that this was unconstitutional, on the grounds that he had already been convicted, but the Supreme Court

rejected his application. In November the Court of Appeal ruled that the reissue of the report was unconstitutional (PVPO, 14 Nov 2004).

Claims of interference by Australians in Vanuatu politics got a further boost when there was an attempt to have Vohor arrested at the airport in relation to charges of contempt of court. The alleged contempt came from comments made by Vohor in parliament on September 1 implying that the judiciary was acting corruptly, or that Chief Justice Lunabeck was a "pikinini blong waet man." A committal order for Vohor's imprisonment had been issued on September 11, but this was revised the following day to a summons to appear before court. The court hearing was set for 17 September. Following these events the police commissioner was suspended and the AusAID advisor attached to the Office of the Public Prosecutor was asked to leave immediately (VDP, 14 Sept, 15 Sept 2004).

The Supreme Court stayed proceedings until the Court of Appeal sitting to decide whether the contempt-of-court ruling was correct. The Court of Appeal quashed all orders relating to the contempt ruling (VDP, 25 Sept 2004), and soon afterwards a Commission of Enquiry into the Office of the Public Prosecutor was established to investigate the motives of the office in attempting to have the prime minister arrested (VDP, 29 Sept 2004). The Office of the Public Prosecutor then suspended all criminal prosecutions, pending the outcome of the Commission of Enquiry, effectively undermining Vanuatu's criminal justice system (VDP, 19 Oct 2004). The Commission of Enquiry has been

hindered by refusals from staff of the Office of the Public Prosecutor to attend hearings, and by the end of the year had not issued a report (*VDP*, 13 Nov 2004).

Once Vohor had overcome the contempt-of-court charges, his government proceeded with plans to change the constitution. These proposed changes aimed to increase the term of parliament to five years, to bar motions of no confidence for a period of twenty-four months following a general election, and to prevent members of parliament from crossing the floor by providing that any MP who resigns from the political party under which they were elected shall lose their seat in parliament (*VDP*, 15 Oct 2004). After some amendments to the initial proposal the constitutional amendment was passed by parliament. The life of parliament was not extended, but members who cross the floor will lose their seats. As well, there cannot be a vote of no confidence “within 12 months of a general election following a dissolution . . . within 12 months of any other general election . . . within 12 months of the formation of any Government . . . or within 12 months before the end of the life of a Parliament” (Constitution [Fourth Amendment] Act 2004). However, before the amendment can come into force it must be supported by a national referendum, which is due to be held in mid-2005.

In the two final months of 2004 there was still time for two more major national political events. First, Vohor made a trip to Taiwan and signed an agreement establishing full diplomatic relations with Taiwan. This was done without the consent

of the Council of Ministers and despite the Vanuatu government’s official support of the one-China policy. Vohor apparently saw it as a way of extracting more money from China as well as gaining funds from Taiwan (*VDP*, 5 Nov, 6 Nov 2004). For fear that China would pull out of Vanuatu altogether, the Council of Ministers unanimously decided to veto Vohor’s decision to establish diplomatic relations with Taiwan (*VDP*, 12 Nov 2004). Australia also expressed concern over the Taiwan affair, saying that aid would be cut unless Vanuatu could demonstrate that principles of good governance were being adhered to (*VDP*, 26 Nov 2004).

The Taiwan incident was the final straw for the Vohor government. By the end of November a motion of no confidence had been lodged (*VDP*, 25 Nov 2004). Vohor tried to argue that this motion was in contravention of the Constitution (Fourth Amendment) Act 2004, but both the Supreme Court and the Court of Appeal ruled that this act is not in effect until the national referendum takes place.

On 11 December Ham Lini was elected the new prime minister. The cabinet, with a NUP prime minister and a PPP deputy prime minister (Sato Kilman), included politicians from nine different parties (*VDP*, 14 Dec 2004) and remained in place until the end of the year.

With all of the political changes throughout 2004, it seemed very little was achieved. Few acts were passed, although the unpopular Debit Tax Act, which had led to protests the previous year, was repealed. The position of ombudsman, which had been vacated after Hanington Alatoa

reached the end of his five-year term, was filled by an acting ombudsman after a weak field of candidates applied for the post (*VDP*, 20 Nov 2004). Leadership of the police remains uncertain, following the dismissal of Police Commissioner Diniro on 24 November (*VDP*, 27 Nov 2004). It can only be hoped that 2005 will see more stability in parliament.

ANITA JOWITT

References

- PVPO*, *Port Vila Presse Online*.
<<http://www.news.vu>>
- VDP*, *Vanuatu Daily Post*. Five issues per week. Port Vila.
- Constitution (Fourth Amendment) Act 2004
- Constitution of the Republic of Vanuatu
- Government v Maseng Nalo* [2004] VUSC 4 <<http://www.paclii.org>>
- Kalpokas v Ors v Electoral Commission* [2004] VUSC 6 <<http://www.paclii.org>>
- Vohor v Abiut 1* [2004] VUSC 5 <<http://www.paclii.org>>
- Vohor v Abiut 2* [2004] VUCA 1 <<http://www.paclii.org>>